IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

STEVEN MCCOLLUM,)	
Plaintiff,)))	
v.	Docket No	_
INDIANA LUMBERMAN'S MUTUAL INSURANCE COMPANY)))	
Defendant.)	

PETITION FOR REMOVAL

The Defendant herein, Indiana Lumbermens Insurance Company, pursuant to 28 U.S.C. §1441 and §1446, gives notice of removal of the action styled Steven McCollum v. Indiana Lumberman's Mutual Insurance Company, from the Circuit Court for Gibson County, Tennessee, where it is now pending under Case Docket Number 8258, to the United States District Court for the Western District of Tennessee, Eastern Division, and state the following:

- 1. Plaintiff filed the above-styled action on February 20, 2007 against Indiana Lumbermens Mutual Insurance Company (identified as Indiana Lumberman's Mutual Insurance Company in the style).
- 2. Plaintiff, Steven McCollum, alleges in the Complaint that he is a citizen and resident of the State of Tennessee.
- 3. Indiana Lumbermens Mutual Insurance Company is an Indiana Corporation with a principal place of business in Indiana.
- 4. This dispute is between entities of different states and the amount in dispute is in excess of \$75,000.00, exclusive of costs and interest; therefore, it meets the jurisdictional requirements of this court pursuant to the provisions of 28 U.S.C. §1332(a).
- 5. A true and exact copy of the Complaint, exhibits and summons are attached hereto as collective "Exhibit A".

- 6. The Defendant herein has served on counsel for Plaintiff a Notice of Removal. A copy of the Notice of Removal and Petition for Removal have been filed in the Gibson County Circuit Court by this Defendant.
- 7. Defendant herein filed an action on February 13, 2007 in the United States District Court for the Western District of Tennessee, Eastern Division against this Plaintiff Steven McCollum styled Indiana Lumbermens Mutual Insurance Company v. Steven McCollum under Case Docket Number 1:07-cv-01027-JDT-sta. A copy of that Complaint is attached hereto with the return of service for the summons as collective "Exhibit B". Service was perfected on the Defendant McCollum in that action on March 7, 2007.
- 8. Subsequently, this action was brought in state court by Plaintiff McCollum on February 20, 2007 against Indiana Lumbermens Mutual Insurance Company. After removal of this suit from state court, the Defendant herein will move the Court to consolidate this action with the case of Indiana Lumbermens Mutual Insurance Company v. Steven McCollum under Case Docket Number 1:07-cv-01027-JDT-sta which is currently pending in the United States District Court for the Western District of Tennessee, Eastern Division.

WHEREFORE, please take notice that Defendant Indiana Lumbermens Insurance Company removes the state action styled Steven McCollum v. Indiana Lumberman's Mutual Insurance Company under Case Docket Number 8258 to the United States District Court for the Western District of Tennessee, Eastern Division, on this the 9th day of March, 2007.

SPICER, FLYNN & RUDSTROM, PLLC

s/ Marc Dedman

BY: MARC O. DEDMAN, BPR #14044 SHAWN F. KOHL, BPR #23734

414 Union Street, Suite 1700 Bank of America Plaza Nashville, Tennessee 37219 (615) 259-9080 Attorneys for Plaintiff